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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yang Wang

Art Unit : 2881

Serial No. : 10/764,252

Examiner : David Vanore

Filed : 01/23/2004

Title : ION TRAP MASS SPECTROMETRY

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY A TO ACTION OF AUGUST 24, 2004

Dear Commissioner:

Responsive to the office action dated August 24, 2004, application owner respectfully traverses the requirement for restriction and provisionally elects species III which includes claims 3, 29, 33, 37, 41, 42, 43, 47, 48 and 49 for further prosecution in this application.

35 U.S.C. 121 reads, "If two or more independent and distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the inventions." Thus, restriction is proper only if the inventions are "independent and distinct." M.P.E.P. headed 802.01, "Meaning of 'Independent', 'Distinct' reads as follows:

INDEPENDENT

The term "independent" (i.e., not dependent) means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation or effect, for example, (1) species under a genus which species are not usable together as disclosed or (2) process and apparatus incapable of being used in practicing the process.

DISTINCT

The term "distinct" means that two or more subjects as disclosed are related, for example as combination and part (subcombination) thereof, process and apparatus for its practice, process, and product made, etc., but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art). It will be noted that in this definition the term "related" is used as an alternative for "dependent" in referring to subjects other than independent subjects.